

# Notice of Allowability

Application No.

10/615,809

Examiner

Joseph Kosack

Applicant(s)

HUANG ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination (RCE) filed 20 June 2007.
2. ☒ The allowed claim(s) is/are 1,2,5-7,10,11,17,19,20,23,24,29-32,34 and 36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-2, 5-7, 10-11, 17, 19-20, 23-24, 29-32, 34, and 36.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 20, 2007 has been entered.

#### ***Previous Claim Objections***

Claims 1-3, 5-7, 9-11, 17, 19, 23, 24, 29, 30, 32, 34, and 36 were previously objected to as containing elected and non-elected subject matter. The search has been expanded to cover the entire scope of the claims and the objection is withdrawn.

#### ***Previous Claim Rejections - 35 USC § 102***

Claims 1-3, 10-11, 17, 19-20, 23-24, 29, and 36 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Huth et al. (WO 00/27819). Applicant's amendments have removed the anticipation and the rejection is withdrawn.

Claims 5-7 and 9 were previously rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Huth et al. (WO 00/27819), Patani et al. (*Chem. Rev.* 1996, 3147-3176), Fotouhi et al. (US PGPUB 2002/0052512 A1), and of In re Wood (199 USPQ 137). Applicant's amendments have removed the rejected subject matter and the rejection is withdrawn.

***Previous Claim Rejections - 35 USC § 103***

Claims 30 and 34 were previously rejected under 35 U.S.C. 103(a) as being unpatentable over Huth et al. (WO 00/27819) in view of Patani et al. (*Chem. Rev.* 1996, 3147-3176) and of In re Wood (199 USPQ 137).

Applicant's arguments have been found to be persuasive, and the rejection is withdrawn.

Claim 31 was previously rejected under 35 U.S.C. 103(a) as being unpatentable over Huth et al. (WO 00/27819) in view of Patani et al. (*Chem. Rev.* 1996, 3147-3176), Fotouhi et al. (US PG PUB 2002/0052512 A1), and of In re Wood (199 USPQ 137).

Applicant's arguments have been found to be persuasive, and the rejection is withdrawn.

***Conclusion***

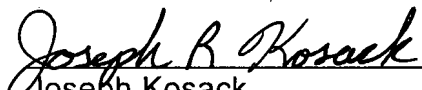
Claims 1-2, 5-7, 10-11, 17, 19-20, 23-24, 29-32, 34, and 36 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Kosack whose telephone number is (571)-272-5575. The examiner can normally be reached on M-F 6:30 A.M. until 4:00 P.M. The examiner has every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph M<sup>g</sup>Kane can be reached on (571)-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

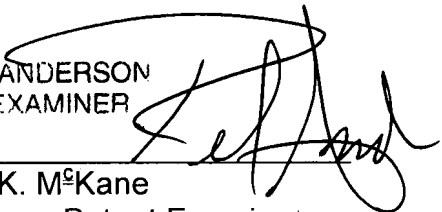
Art Unit: 1626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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